

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

POLARIS POWERLED TECHNOLOGIES,  
LLC,

Plaintiff,

v.

NINTENDO CO., LTD., and  
NINTENDO OF AMERICA, INC.,

Defendants.

No. 2:22-cv-00386-JLR

**[PROPOSED] ORDER  
GRANTING PLAINTIFF'S  
MOTION TO DISMISS  
COUNTERCLAIMS AND  
STRIKE IMPERTINENT AND  
IMMATERIAL ALLEGATIONS**

Noted on Motion Calendar:  
August 5, 2022

THIS MATTER comes before the Court on Plaintiff Polaris PowerLED Technologies LLC's ("Polaris") Motion to Dismiss and Strike Impertinent and Immaterial Allegations. The Court having considered the files and records herein, including:

1. Plaintiffs' Motion to Dismiss Counterclaims and Strike Impertinent and Immaterial Allegations;
2. Defendants' Nintendo Co. Ltd. ("NCL") and Nintendo of America Inc.'s ("NOA") (collectively, "Nintendo") Response and any supporting materials; and
3. Plaintiffs' Reply and any supporting materials;

and being fully advised, the Court GRANTS Plaintiff's motion as follows:

[ ] The Court GRANTS Polaris's Motion to Dismiss NOA's counterclaims under Fed. R. Civ. P. 12(b)(6). NOA's counterclaims asserted in Nintendo's Answer, Affirmative Defenses, and Counterclaims to Complaint (Dkt. No. 13) are DISMISSED WITHOUT PREJUDICE.

[ ] The Court GRANTS Polaris's Motion to Strike Immaterial and Impertinent Allegations in paragraphs 6-10, 21-46, and 49-51 of NOA's counterclaims in Nintendo's Answer, Affirmative Defenses, and Counterclaims to Complaint (Dkt. No. 13).

Nintendo is DIRECTED to file a First Amended Answer, Affirmative Defenses, and Counterclaims with the stricken paragraphs removed within ten (10) days of the date of this Order.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
The Honorable James L. Robart  
United States District Judge

*Presented by:*

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16 *Technologies, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I caused true and correct copies of the foregoing document to be served upon the following, at the addresses stated below, via the method of service indicated.

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 Nintendo of America Inc. and Nintendo Co., Ltd.*

1 Dated this 14<sup>th</sup> day of July, 2022 in Seattle, Washington.

2 /s/ Janet C. Fischer

3 Janet C. Fischer

4 Paralegal